## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/24/2008 has been entered.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 6, 8-12, 15 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Kohli et al. (hereinafter Kohli)(U.S. Patent No. 7,213,068 B1).

Regarding claims 1 and 10, Kohli teaches as follows:

A method or a system for policy-based control of a communication network having a distributed architecture (a policy management system implementing a programmable policy-based approach for managing network elements in a telecommunication network, see, e.g., abstract), including at least one heterogeneous

communication network (the policy manger is adapted to manage many different types of network elements, see, e.g., col. 3, lines 42-44) comprising;

Messaging between network elements (network elements perform a network-related function, see, e.g., col. 3, lines 47-48), said network elements comprising at least one policy enforcement point (PEP)(12 and 14 in figure 1), one or more policy decision points (PDPs)(policy server 8 in figure 1), which network elements provide for registering events (the policy server issues event registrations, which causes event registration to be performed at the corresponding PEPs, see, e.g., col. 8, lines 28-31);

Providing the PEP with a server capability and changing the PDPs to clients (PEP has a server capability by providing events information to the policy server in order to decide following policy actions and the policy server changing to a client, when the events are considered as the services, see, e.g., col. 8, lines 37-46);

Sending notifications (event notification) of the occurrence of events subscribing to by the PDPs (PEPs send their events directly to the policy server or policy agent that has reregistered for the events, see, e.g., col. 8, lines 39-41); and

Enforcing a policy upon said events if certain conditions are met (action command being sent to the event originating PEPs, see, e.g., col. 8, lines 55-61), wherein said at least one PEP serves as a server towards at least one PDP, being a client (device server (PEP), 18 and 20 in figure 1, collects events and distributes the events to policy server (PDP).

Regarding claims 2 and 11, Kohli teaches as follows:

The policies of a PEP are available to the one or more PDPs (the policy server (PDP) register its policy events with all PEPs being managed by a policy which means both PDP and PEP are running under the same policy, see, e.g., col. 8, lines 26-28).

Regarding claims 3 and 12, Kohli teaches as follows:

The one or more PDPs subscribe to one or more PEP policy enforcement capabilities outside the service domain of a PDP (the policy server generates an action for a remote network (outside the service domain) element through a directory server, 16 in figure 1, which maintains a domain registry used to drive PEP addresses, see, e.g., col. 8, line 66 to col. 9, line 6).

Regarding claims 6 and 15, Kohli teaches as follows:

After the occurrence of the event, said messaging is synchronous, wherein event data are sent together with the notifications from the PEP to the PDP (the specified events raised at the various PEPs are forwarded to the appropriate policy processing point as an event notification, see, e.g., col. 13, line 64 to col. 14, line 5).

Regarding claims 8 and 17, Kohli teaches as follows:

A PEP registering events that a PDPs can subscribe to (the policy server issues event registrations, which causes event registration to be performed at the corresponding PEPs, see, e.g., col. 8, lines 26-31);

The PEP registering policy enforcements (policy actions) that the PDP may suggest to the PEP (action evaluator, 30 and 32 in figure 1, provides the abstraction of the same semantic actions across a spectrum of devices, see, e.g., col. 10, lines 34-44);

The PDP (policy server) obtaining said registered events (the policy server issues event registrations, see, e.g., col. 8, lines 26-31); and

The PDP (policy server) obtaining said registered policy enforcements (policy actions)(the policy server, 8 in figure 2, and the policy agents, 8a in figure 2, are the components that process events received from the PEPs and which apply the policy rules to generate the policy actions, see, e.g., col.8, lines 47-49).

Regarding claim 9, Kohli teaches as follows:

The PDP (policy server) requesting a PEP to be notified of a specified event (the event registration information is consulted whenever an event is raised at a PEP, and the event is forwarded for delivery to any policy that has registered for the event, see, e.g., col. 13, lines 53-56);

The PDP (policy server) requesting a PEP for a possibility to enforce a policy (the policy server, 8 in figure 2, and the policy agents, 8a in figure 2, are the components that process events received from the PEPs and which apply the policy rules to generate the policy actions, see, e.g., col.8, lines 47-49);

The PEP notifying a PDP that the specified event has occurred (the specified events raised at the various PEPs are forwarded to the appropriate policy processing point as an event notification, see, e.g., col. 13, line 64 to col. 14, line 5);

The PDP suggesting to said PEP a policy enforcement appropriate for said specified event (the firing of an action may result in an action command being sent to the event originating PEPs, see, e.g., col. 8, lines 52-57); and

The PEP enforcing said policy enforcement (the policy rules request an action to be taken at one or more PEPs, see, e.g., col. 14, lines 30-35).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 5, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohli et al. (hereinafter Kohli)(U.S. Patent No. 7,213,068 B1) as applied to claims 1 and 10 above, and further in view of Putzolu (U.S. Patent No. 6,578,076 B1).

Regarding claims 5, 13 and 14, Kohli teaches as follows:

Multiple PDPs used in policy processing (policy processing responsibilities are distributed between the policy server, 8 in figure 2, and multiple policy agents, 8a in figure 2, see, e.g., col. 4, lines 1-2); and

Kohli does not teach that a preference or priority scheme for sending the notifications to one or more of multiple PDPs or accepting a policy from a PDP to enforce the proper PEP.

Putzolu teaches as follows:

Policy-based network management applies a client-server paradigm and outsources policy decisions to a plurality of policy servers (see, e.g., col. 2, lines 40-46); and

Accept with priority scheme used to make a local decision at policy client (PEP)(see, e.g., col. 5, lines 16-26).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Kohli to include priority scheme between multiple PDPs to select one of those and to accept a policy from the multiple PDPs, as taught by Putzolu in order to select a proper policy server and policy based on the policy and event registration information among the multiple policy servers.

6. Claims 7, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohli et al. (hereinafter Kohli)(U.S. Patent No. 7,213,068 B1).

Regarding claims 7 and 16, Kohli teaches all the limitations of claim except for asynchronous messaging between PEP and PDP.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Kohli to include the asynchronous messaging in order to first select a proper PDP among multiple PDPs and then to send event data from the PEP to the selected PDP.

Regarding claim 18, Kohli teaches as follows:

Network administrators interface the policy server for run-time policy loading and unloading (see, e.g., col. 3, lines 56-58).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Kohli to include multiple policy servers as a stakeholder in order to enforce the accurate policy enforcements responding to the specified events from the PEPs.

***Response to Arguments***

7. Applicant's arguments filed 4/24/2008 have been fully considered but they are not persuasive.

A. Summary of Applicant's Arguments

In the remarks, the applicant argues as followings:

1) Regarding claim 1, providing the PEP with a server capability and changing the PDPs to clients, just the opposite of the services in the Policy Enabling Point disclosed in the Kohli reference; and

2) The PEP acronym in the present inventions is not the same as the PEP acronym in the Kohli reference.

B. Response to Arguments:

In response to argument 1), the Examiner interpreted as follows:

A server is defined as any device provides services to other device therefore the PEP has a server capability by providing events information to the policy server in order to decide following policy actions and the policy server changing to a client, when the events are considered as the services.

Also the applicant did not describe any specific functional distinctions of the PEP with a server capability from the PEP in Kohli as well as the PDP. Kohli teaches all the limitations of claimed functionality of both PEP and PDP.

In response to argument 2), The PEP (Policy Enabling Point), which teaches all the limitations of claimed PEP, is equivalent to the applicant's PEP (Policy Enforcement Point).

Claims are to be given their broadest reasonable interpretation during prosecution, and the scope of a claim cannot be narrowed by reading disclosed limitations into the claim. See In re Morris, 127 F.3d 1048, 1054, 44 USPQ2D 1023, 1027 (Fed. Cir. 1997); In re Zletz, 893 F.2d 319, 321, 13 USPQ2D 1320, 1322 (Fed. Cir. 1989); In re Prater, 415 F.2d 1393, 1404, 162 USPQ 541,550 (CCPA 1969). In addition, the law of anticipation does not require that a reference "teach" what an appellant's disclosure teaches. Assuming that reference is properly "prior art,'" it is only necessary that the claims "read on" something disclosed in the reference, i.e., all limitations of the claim are found in the reference, or "fully met" by it. Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 772, 218 USPQ 781,789 (Fed. Cir. 1983).

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEONG S. PARK whose telephone number is (571)270-1597. The examiner can normally be reached on Monday through Friday 7:00 - 3:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. S. P./
Examiner, Art Unit 2154

June 4, 2008

/Joseph E. Avellino/

Primary Examiner, Art Unit 2146